

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed repeal of Rules 25-22.017, F.A.C., Rulemaking Proceeding – Adoption, and 25-22.039, F.A.C., Intervention, and proposed amendment of Rules 25-22.060, F.A.C., Motion for Reconsideration of Final Orders, and 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure.

DOCKET NO. 20170163-OT  
ORDER NO. PSC-2017-0382-NOR-OT  
ISSUED: October 4, 2017

The following Commissioners participated in the disposition of this matter:

JULIE I. BROWN, Chairman  
ART GRAHAM  
RONALD A. BRISÉ  
DONALD J. POLMANN  
GARY F. CLARK

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the repeal of Rules 25-22.107, Rulemaking Proceeding – Adoptions, and 25-22.039, Intervention, and the amendment of Rules 25-22.060, Motion for Reconsideration of Final Orders, and 28-40.001, Exceptions to the Uniform Rules of Procedure, Florida Administrative Code (F.A.C.). In repealing Rule 25-22.039, F.A.C., Intervention, and thus becoming subject to Uniform Rule 28-106.205, F.A.C., Intervention, it is the Commission's intent to continue to require intervenors to take the case as they find it.

The attached Notices of Proposed Rules appeared in the October 4, 2017 edition of the Florida Administrative Register. If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than October 25, 2017.

By ORDER of the Florida Public Service Commission this 4th day of October, 2017.

/s/ Carlotta S. Stauffer

CARLOTTA S. STAUFFER

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KGWC

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NOS:      RULE TITLES:

25-22.017      Rulemaking Proceeding – Adoption

25-22.039      Intervention

25-22.060      Motion for Reconsideration of Final Orders

PURPOSE AND EFFECT: To repeal Rule 25-22.017, F.A.C., as obsolete and unnecessary to the implementation of Section 120.54, FS; to repeal Rule 25-22.039, F.A.C., Intervention, and replace it with Rule 28-106.205, F.A.C., the Uniform Rule of Procedure on Intervention; and to amend Rule 25-22.060, F.A.C., to delete obsolete language referencing repealed Uniform Rules of Procedure chapters 28-103 and 28-107, FS, and to clarify that motions for reconsideration are not appropriate in rulemaking proceedings.

Docket No. 20170163-OT

SUMMARY: Rule 25-22.017, F.A.C., is repealed as obsolete and unnecessary to implementation of Section 120.54 FS. Rule 25-22.039, F.A.C., is repealed and replaced with Uniform Rule of Procedure 28-106.205, F.A.C. Rule 25-22.060, F.A.C., is amended to delete obsolete reference to repealed Uniform Rule of Procedure chapters 28-103 and 28-107, F.A.C., and to clarify that motions for reconsideration are not appropriate in rulemaking proceedings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment and repeals will not have an adverse impact on economic growth, business competitiveness, or small business.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.01(7), 350.127(2) FS.

LAW IMPLEMENTED: 120.525, 120.54(3), 120.569, 120.57 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us).

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.017 Rulemaking Proceeding - Adoption.

*Rulemaking Authority 350.127(2) FS. Law Implemented 120.525, 120.54(3) FS. History–New 12-21-81, Amended 10-25-83, Formerly 25-22.17, Amended 5-3-99. Repealed.*

25-22.039 Intervention.

*Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History–Formerly 25-2.34, Amended 12-21-81, Formerly 25-22.39. Repealed.*

25-22.060 Motion for Reconsideration of Final Orders.

(1) Scope and General Provisions.

(a) Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order. The Commission will not entertain any motion for reconsideration of any order that

ORDER NO. PSC-2017-0382-NOR-OT

DOCKET NO. 20170163-OT

PAGE 4

disposes of a motion for reconsideration. Petitions for reconsideration are not authorized in the rulemaking process, and the Commission will not entertain any motion for reconsideration on the adoption, repeal, or amendment of a rule.

(b) through (d) No change.

~~(e) A motion for reconsideration of an order adopting, repealing, or amending a rule shall be treated by the Commission as a petition to adopt, repeal, or amend a rule under Section 120.54(7), F.S. and Rule 28 103.006, F.A.C.~~

(2) through (3) No change.

*Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History--New 12-21-81, Amended 10-4-84, Formerly 25-22.60, Amended 7-11-96, 1-1-07, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G. W. Cowdery

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 125, June 28, 2017.

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO:           RULE TITLE:

25-40.001           Exceptions to the Uniform Rules of Procedure

PURPOSE AND EFFECT: To delete reference to Uniform Rules of Procedure Chapters 28-103 and 28-107, FS, and to delete Rule 25-22.039, F.A.C., from the list of exceptions because it has been repealed.

Docket No. 20170163-OT

SUMMARY: Rule 25-40.001, F.A.C., is amended to delete reference to Uniform Rules of Procedure Chapters 28-103 and 28-107, F.A.C., because those chapters are repealed and to delete Rule 25-22.039, F.A.C., from the list of exceptions because it has been repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.54(5)(a)3. FS.

LAW IMPLEMENTED: 120.54(5)(a)3. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-40.001 Exceptions to the Uniform Rules of Procedure.

The following provisions of the Commission's rules are exceptions to the uniform rules of procedure:

UNIFORM RULE	COMMISSION RULE THAT IS AN EXCEPTION
CHAPTER 28-102, F.A.C. AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS	Rule 25-22.0021, F.A.C. Agenda Conference Participation.
CHAPTER 28-102, F.A.C. – AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS AND CHAPTER 28-106, F.A.C. – DECISIONS DETERMINING SUBSTANTIAL INTERESTS	Rule 25-22.0022, F.A.C. Oral Argument Rule.
Rule 28-102.001, F.A.C. Notice of Public Meeting, Hearing, or Workshop.	Rule 25-22.001, F.A.C. Notice of Meeting or Workshop.
Subsection 28-102.002(2), F.A.C. Agenda of Meetings, Hearings, and Workshops.	Rule 25-22.002, F.A.C. Agenda of Meetings.
<del>CHAPTER 28-103, F.A.C. RULEMAKING</del>	<del>Rule 25-22.017, F.A.C. Rulemaking Proceeding—Adoption.</del>
CHAPTER 28-106, F.A.C.	Rule 25-22.006, F.A.C.

DECISIONS DETERMINING SUBSTANTIAL INTERESTS	Confidential Information. Rule 25-22.029, F.A.C. Point of Entry Into Proposed Agency Action Proceedings. Rule 25-22.0376, F.A.C. Reconsideration of Non-Final Orders. Subsections 25-22.0406(7)-(8) , F.A.C. Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies. Subsections 25-22.0407(8) and (10) , F.A.C. Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities. Rule 25-22.060, F.A.C. Motion for Reconsideration of Final Orders.
<del>Rule 28-106.205, F.A.C. Intervention-</del>	<del>Rule 25-22.039, F.A.C. Intervention-</del>
Rule 28-106.208, F.A.C. Notice of Hearing.	Rule 25-22.029, F.A.C. Point of Entry into PAA Proceeding. Rule 25-22.0405, F.A.C. Notices of Hearings.
Rule 28-106.212, F.A.C. Subpoenas.	Rule 25-22.045, F.A.C. Subpoenas.
<del>CHAPTER 28-107, F.A.C. LICENSING</del>	<del>Rule 25-22.075, F.A.C. Transmission Line Permitting Proceedings. Rule 25-22.080, F.A.C. Electrical Power Plant Permitting Proceedings.</del>

*Rulemaking Authority 120.54(5)(a)3. FS. Law Implemented 120.54(5)(a)3. FS. History--New 4-28-99, Amended 3-28-07, 9-28-15,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G. W. Cowdery

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2017

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